

Applicants: Graham P. Allaway et al.
Serial No.: 09/904,356
Filed: July 12, 2001
Page 3 of 5 of Amendment In Response To December 10, 2009 Office Action

REMARKS

Claims 26, 28-31 and 33-35 are pending in the subject application. Applicants have amended claim 26 herein and have cancelled claims 31 and 33-35 without disclaimer or prejudice to applicants' right to pursue the subject matter of these claims in the future. Support for the amendments to claim 26 can be found in the specification at, *inter alia*, table 3, page 61; page 60, lines 3-5, and lines 13-19. Applicants maintain the amendments to the claims raise no issue of new matter and respectfully request that this Amendment be entered.

Summary of April 27, 1010 Interview With Examiner Parkin

Applicants thank Examiner Jeffrey Parkin, Ph.D. and Supervisory Examiner Larry Helms for the courtesy extended during an April 27, 2010 telephone interview with the undersigned. Applicants note that the following were also present during the interview: Paul Maddon, M.D., Ph.D.; Leslie Serunian, Ph.D.; and Brian Amos, Esq.

During the interview amendments to independent claim 26 were proposed and discussed with Examiners Parkin and Helms. In addition, the undersigned discussed table 3 of the specification on page 61 with the Examiners. Examiners Parkin and Helms agreed the proposed claim amendments would overcome the 35 U.S.C. §112, first paragraph, written description rejection made in the December 10, 2009 Office Action. The amendments to the claims as proposed during the April 27, 2010 interview have been presented hereinabove.

Claims Rejected Under 35 U.S.C. §112, First Paragraph, Written Description

In the December 10, 2009 Office Action the Examiner rejected claims 26, 28-31 and 33-35 as "not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention."

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In response, applicants respectfully traverse the Examiner's rejection. However, in order to expedite prosecution, and without conceding the correctness of the Examiner's position, applicants have hereinabove presented amended claims which applicants understand, further to applicants' April 27, 2010 interview with the Examiner, overcome the written description rejection. Accordingly, applicants respectfully request that the Examiner reconsider and withdraw this rejection.

In the December 10, 2009 Office Action the Examiner asserted that "a copy of the Declaration provided by Ms. Kristen Nagashima did not accompany the response" filed on February 24, 2009 in connection with the subject application. Applicants note, however, that the Declaration of Ms. Kristen Nagashima was submitted with the on February 24, 2009 response and was also received by the U.S. Patent Office. However, a review of the private PAIR site for the subject application shows that the U.S. Patent Office mistakenly labeled the Declaration of Ms. Kristen Nagashima as "NPL documents". Specifically, the Declaration is the 2nd "NPL documents" listed for February 24, 2009 shown on the private PAIR site for the subject application. Applicants therefore respectfully request that the Examiner confirm that there is no need for applicants to submit a further copy of the Declaration of Ms. Kristen Nagashima.

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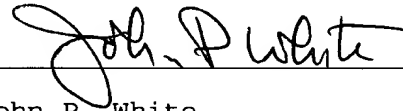
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If a telephone interview would be of assistance in advancing prosecution of the subject application, applicants' undersigned attorney invites the Examiner to telephone him at the number provided below.

No fee, other than the enclosed fee of \$555.00 for a three-month extension of time, is deemed necessary in connection with the filing of this Amendment. However, if any additional fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 03-3125.

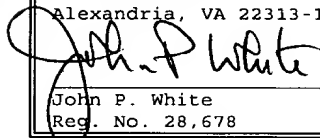
Respectfully submitted,



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6/9/10